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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,464

10/15/2003

Jean-Claude Hauer

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

01/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/684,464	<b>Applicant(s)</b> HAUER ET AL.	
	<b>Examiner</b> Basil Katcheves	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14, 18-21 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9-12, 18, 19, 25-28, 30-32, 35 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, 13, 14, 20, 21, 29, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The applicant has cancelled claims added new claims 32-34 in the amendment dated 3/6/07. Pending claims 1-6, 8-14, 18-21 and 25-34 are examined below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3, 6, 9, 12, 19, and 27, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,012,885 to Lovatt.**

Regarding claims 1, 27, 30, 31, Lovatt discloses a closing device comprising a frame (fig. 1: surrounding door), a cover (fig. 1: door), a frame hinge knuckle (fig. 5: hatched area where 30 points), the hinge knuckle having a hinge surface (fig. 5: surface area inside where 29 points) and a pass through hinge knuckle opening (fig. 5: top opening of knuckle where numeral 46 is and adjacent to top of 30) between the outside and inside, the cover includes a hinge knuckle (fig. 5: hatched member where 44 points), with a pivot that extends into the outer area (fig 5: area top surface where 43 points and is exposed to the exterior), when the cover is closed, an opening (50) in the inner recess and an inserted plug (fig. 5: 48) positioned in the inner recess, below the knuckle and separate from the cover.

Regarding claim 3, Lovatt discloses the plug as capable of evacuating dirt from outside by being lifted up, thus allowing dirt to fall into the frame knuckle through the hinge knuckle opening.

Regarding claim 6, 12, Lovatt discloses the hinge knuckle opening as delimiting at least a blocking surface of the cover when open.

Regarding claim 9, 19, Lovatt discloses the door as being capable of performing as a man hole.

Regarding claim 28, Lovatt discloses the seal of the knuckle group as blocking dirt.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 10, 11, 18, 25, 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,012,885 to Lovatt.**

Regarding claims 2, 26, and 32, Lovatt does not disclose the plug as made from an elastomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lovatt by using an elastomeric material, since Lovatt discloses the use of elastomer gaskets, in order to create a tighter seal.

Regarding claim 10, Lovatt discloses the plug as capable of evacuating dirt from outside by being lifted up, thus allowing dirt to fall into the frame knuckle through the hinge knuckle opening.

Regarding claim 11, Lovatt discloses the hinge knuckle opening as delimiting at least a blocking surface of the cover when open.

Regarding claims 18, Lovatt discloses the device as being capable of use as a manhole.

Regarding claim 25, Lovatt discloses the plug as made from a single piece.

### ***Claim Objections***

Claims 4, 5, 8, 13, 14, 20, 21, 29, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed 10/23/06 have been fully considered but are moot under new grounds of rejections necessitated by the applicant's amendment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

5/23/07

*Basil Katcheves*  
*5/23/07*  
*my/Examiner*